

Serial No. 10/691,270

Attorney Docket No. 97818.00121

REMARKS**RECEIVED
CENTRAL FAX CENTER****JAN 31 2007**

Claims 1-35 and 37-41 are pending in the application. Claim 36 was previously canceled. Claims 20, 21, 40 and 41 are withdrawn from consideration. In view of the above amendments and the following remarks, it is respectfully submitted that claims 1-35 and 37-41 are allowable.

Claim Objections

Claim 12 is objected to for having insufficient antecedent basis. Claim 12 is amended to overcome the objection.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 7-10, 15, 18, 19, 26, 31 and 32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,254,579 to Cogger et al, hereinafter “Cogger ‘579”. Applicants respectfully traverse this rejection.

Cogger ‘579 describes an apparatus for instilling a medicament into an eye, that includes a rigid housing 12, a reservoir 14 and a nozzle 16 (col. 3, lines 12-18). A pump 20 includes a collapsible boot, or bellows, 80 fitted to an exterior surface 82 of a front end 84 of the housing 12 (col. 4, lines 45-48). An endcap 58 may be attached to the rear end of the housing (col. 4, lines 30-31).

In contrast to the present invention, however, Cogger ‘579 does not teach or suggest that the exterior housing 12 or endcap 58 has an actuator that cooperates with a pump actuator. Therefore, Cogger ‘579 does not teach or suggest a dispenser that has an exterior housing having a trigger, a self-contained cartridge disposable within the housing, and a manually engageable actuator coupled to the cartridge and connected or coupled between the trigger and the pump, as recited in independent claim 1. Thus, amended independent claim 1 is not anticipated by Cogger ‘579.

Serial No. 10/691,270

Attorney Docket No. 97818.00121

Claims 15, 26 and 31 recite features that are similar to claim 1. Thus, for reasoning that is the same as or similar to that provided in support of the patentability of claim 1, claims 15, 26 and 31 likewise are not anticipated by Cogger '579.

Claims 2 and 7-10 depend from claim 1, claims 18 and 19 depend from claim 15, and claim 32 depends from claim 31. Thus, for reasoning that is the same as or similar to that provided in support of the patentability of claims 1, 15 and 31, claims 2, 7-10, 18, 19 and 32 are not anticipated by Anderson.

For the above reasons, it is respectfully submitted that the rejection of claims 1, 2, 7-10, 15, 18, 19, 26, 31 and 32 under 35 U.S.C. § 102(e) as being anticipated by Cogger '579 is overcome. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 2, 7-10, 15, 18, 19, 26, 31 and 32.

Claim Rejections – 35 U.S.C. §103

Claims 3, 4, 17, 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cogger '579, in view of U.S. Patent No. 6,478,196 to Fuchs, hereinafter "Fuchs". Applicants respectfully traverse this rejection.

As discussed above, Cogger '579 does not teach or suggest a dispenser that has an exterior housing having a trigger, a self-contained cartridge disposable within the housing, and a manually engageable actuator coupled to the cartridge and connected or coupled between the trigger and the pump, as recited in independent claims 1, 15 and 31.

Fuchs describes a dispenser 1 that includes two units 2, 3 that are moved axially relative to each other, and a third unit 4 that is moved transverse to units 2, 3 along a circular arc (col. 3, lines 2-6). The base body of unit 3 is an actuator formed by an actuating shaft or ram 6 (col. 3, lines 6-8). Unit 4 forms a handle 15 that is actuated by pivoting about an axis 11 (col. 3, lines 21-24).

In contrast to the present invention, however, Fuchs does not teach or suggest an exterior body having a trigger and an interior, self-contained casing having an actuator that cooperates with the trigger. Therefore, Fuchs does not teach or suggest a dispenser that has an exterior housing having a trigger, a self-contained cartridge disposable within the housing, and a

Serial No. 10/691,270

Attorney Docket No. 97818.00121

manually engageable actuator coupled to the cartridge and connected or coupled between the trigger and the pump, as recited in independent claims 1, 15 and 31.

Therefore, Cogger '579 and Fuchs, whether considered alone or in combination, do not teach or suggest a dispenser that has an exterior housing having a trigger, a self-contained cartridge disposable within the housing, and a manually engageable actuator, as recited in independent claims 1, 15 and 31. Thus, claims 1, 15 and 31 are patentable over the cited combination of Cogger '579 and Fuchs.

Claims 3 and 4 depend from claim 1, claim 17 depends from claim 15, and claims 33 and 34 depend from claim 31. Thus, for reasoning that is the same as or similar to that provided in support of the patentability of claims 1, 15 and 31, claims 3, 4, 17, 33 and 34 are patentable over the cited combination of Cogger '579 and Fuchs. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3, 4, 17, 33 and 34.

Claims 16, 18, 19, 22-25 and 27-31 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cogger '579, in view of U.S. Patent No. 6,524,287 to Cogger, hereinafter "Cogger '287". Applicants respectfully traverse this rejection.

As discussed above, Cogger '579 does not teach or suggest a dispenser that has an exterior housing having a trigger, a self-contained cartridge disposable within the housing, and a manually engageable actuator coupled to the cartridge and connected or coupled between the trigger and the pump, as recited in independent claim 15 and 31.

Cogger '287 describes an apparatus 10 that includes a housing 12, a nozzle 22, a depressible button 24 disposed at the rear of the housing 12, and a trigger 26 disposed in a side of the housing 12 (col. 3, lines 31-38). The button 24, when depressed, causes forward movement of the reservoir 46 and a "cocking" or compression of a spring 50 (col. 4, lines 5-8). Depression of a tab 62 of trigger 26 releases the spring 50 from its compressed state to cause rearward motion of the reservoir 46 and a metering of a dose of medicament from the reservoir 46 to and through the nozzle 22 (col. 4, lines 12-16).

Cogger '287 thus teaches two actuators in the form of a button and a trigger that each move the pump from a first position to a second position. In contrast to the present invention, however, Cogger '287 does not teach a separate actuator connected to an interior cartridge that is drivably connected to an exterior trigger, and also does not teach or suggest a single exterior trigger capable of engaging an actuator to cause a pump to move both 1) from a rest position to

Serial No. 10/691,270

Attorney Docket No. 97818.00121

an actuating position and 2) from the actuating position to the rest position. Furthermore, Cogger '287 does not teach or suggest an actuator connected to a self-contained cartridge having a spring formed integrally therewith. Therefore, Cogger '287 does not teach or suggest a dispenser that has an exterior housing having a trigger, a self-contained cartridge disposable within the housing, and a manually engageable actuator coupled to the cartridge and connected or coupled between the trigger and the pump, as recited in independent claims 15, 22, 27 and 31.

Therefore, Cogger '579 and Cogger '287, whether considered alone or in combination, do not teach or suggest a dispenser that has an exterior housing having a trigger, a self-contained cartridge disposable within the housing, and a manually engageable actuator coupled to the cartridge and connected or coupled between the trigger and the pump, as recited in independent claims 15, 22, 27 and 31. Thus, claims 15, 22, 27 and 31 are patentable over the cited combination of Cogger '579 and Cogger '287.

Claims 16, 18 and 19 depend from claim 15, claims 23-25 depend from claim 22, claims 28-30 depend from claim 27, and claim 39 depends from claim 31. Thus, for reasoning that is the same as or similar to that provided in support of the patentability of claims 15, 22, 27 and 31, claims 16, 18, 19, 23-25, 28-30 and 39 are patentable over the cited combination of Cogger '579 and Cogger '287.

For the above reasons, it is respectfully submitted that the rejection of claims 16, 18, 19, 22-25, 27-31 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Cogger '579 in view of Cogger '287 is overcome. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 16, 18, 19, 22-25, 27-31 and 39.

Conclusion

All issues raised by the Examiner having been addressed, an early allowance of the claims is earnestly solicited.

If the Examiner has any questions in connection with this paper, or otherwise if it would facilitate the examination of this application, he is respectfully requested to call the undersigned at the telephone number below.

With the present amendment, this application contains a total of eleven (11) independent claims. Accordingly, Applicants' attorneys hereby authorize a fee of \$200.00 to be charged to

Serial No. 10/691,270

Attorney Docket No. 97818.00121

Deposit Account 50-3569, to cover the for two (2) independent claims in excess of three and in excess of those independent claims that were previously paid for.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorneys hereby authorize that such fee(s) be charged to Deposit Account No. 50-3569.

Respectfully submitted,

Date: October 30, 2006

By:



Thomas J. Ryan (Reg. No. 52,187)

Mark D. Giarratana (Reg. No. 32,615)

Attorneys for Applicant

McCarter & English, LLP
CityPlace I
185 Asylum Street
Hartford, CT 06103
Phone: (860) 275-7005
Fax: (860) 724-3397

ME\5930337.1